**THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY**

**AND**

**THE HON'BLE MR. JUSTICE S. ANANDA REDDY**

**WRIT PETITION NO. 20835 OF 2005**

**DATED: 22-11-2005**

Between

M/s. Hyderabad Lamps Limited,
A Public Limited Company, having its
Office at 448, Road No. 20, Jubilee Hills,
Hyderabad, represented by its
Director, Ashok Naidu.

..... PETITIONER

And

The Debts Recovery Tribunal,
V Floor, Triveni Complex, Abids,
Hyderabad and another.

..... RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

**THE HON'BLE MR. JUSTICE B. SUDERSHAN REDDY**

**AND**

**THE HON'BLE MR. JUSTICE S. ANANDA REDDY**

**WRIT PETITION NO. 20835 OF 2005**

**ORDER:** (per Sri B. Sudershan Reddy, J)

The petitioner herein preferred an application before the Recovery Officer, Debts Recovery Tribunal, Hyderabad to set aside the sale on the ground of certain irregularities pleaded therein. The said application numbered as M.P No. 29 of 2005 was dismissed by the Recovery Officer on 12-09-2005.

The petitioner thereafter preferred an appeal along with an application seeking stay before the Debt Recovery Appellate Tribunal at Chennai for the Presiding Officer of the Debts Recovery Tribunal was on leave from 13-09-2005 to 16-09-2005. The Debt Recovery Appellate Tribunal, Chennai vide its Order
dated 15-09-2005 granted interim stay as prayed for till
30-09-2005 and directed the appellant to get back the papers and present the appeal before the learned Presiding Officer of the Debts Recovery Tribunal on or

before 23-09-2005 for further proceedings before the Debts Recovery Tribunal, Hyderabad. For some reason, the Recovery Officer did not give effect to the order passed by the appellate Tribunal and it is for that reason, the petitioner approached this Court and filed the present writ petition.

This Court vide its Order dated 22-09-2005 directed the 2nd respondent not to create any third party rights by way of alienation, mortgage or by any other mode whatsoever. The respondents were also directed to maintain status quo existing as on that day in all respects, which means that there shall be no lifting, removal of any machinery or articles whatsoever lying in the factory premises of the petitioner. That order is subsisting even as on today.

It is brought to our notice that pursuant to the directions of the appellate Tribunal, the petitioner having taken back the papers submitted the appeal before the Debts Recovery Tribunal, Hyderabad and the same is numbered as Recovery Appeal No. 12 of 2005 and coming up for hearing on 01-12-2005.

In such view of the matter, it would be appropriate to extend the benefit of the interim order granted by this Court, to the petitioner, until the disposal of the appeal by the Debts Recovery Tribunal at Hyderabad. The Debts Recovery Tribunal at Hyderabad is directed to dispose of Recovery Appeal No. 12 of 2005 preferred by the petitioner within a period of ten weeks from the date of receipt of a copy of the order, on its own merits. There shall be an order accordingly.

The Writ Petition is accordingly disposed of.

(B. Sudershan Reddy, J)

22..11..2005

(S. Ananda Reddy, J)

ks

Note: Despatch copy of the order within three days.

B/O